THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No. 26612 of 1995

Date: 22-08-2006

Between:

Rachapudi Lakshmi Kantha Rao
and another

..... PETITIONER

AND

The District Collector,
Prakasam District, Ongole and another.

....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No. 26612 of 1995

O R D E R:

The petitioners' father, being a political sufferer, was assigned land to an extent of Ac.6.00 in Sy.No.247-2 of Gundlapalli village, Maddipadu Mandal, Prakasam District on 15-03-1951. While so, the first respondent, having issued a notification under Section 4(1) of the Land Acquisition Act, 1894, acquired the said land for public purpose namely construction of Industrial Growth Center. Pending the said proceedings, the father of the petitioners died on 16-02-1994, and the petitioners, who claim to be his legal heirs, filed this writ petition alleging that no compensation has been paid to them on par with the owners of the similar lands acquired under the same notification.

It is the case of the respondents that the petitioner's father was only an assignee and therefore not entitled for compensation equivalent to the market value of the land. Aggrieved by the said action, this writ petition is filed.

It is to be noted that a Larger Bench of this Court in ***LAO-cum-RDO, Chevella Division, Domalaguda, Hyderabad v. M.Pandu***[1], having considered the very same issue, held that the assignees acquire the status of constitutional claimants, and that they have to be treated as full owners of the land and therefore they are entitled to compensation based on market value along with other benefits on par with full owners.

Though the State preferred a Special Leave Petition, which is still pending before the Supreme Court, admittedly the operation of the judgment of the Larger Bench of this Court has not been suspended.

In the circumstances, the writ petition is disposed of with a direction to the respondents to consider the claim of the petitioners for compensation in terms of the ratio laid down by the Larger Bench of this Court in ***LAO-cum-RDO's*** case (1supra) and pass appropriate orders in accordance with law as expeditiously as possible, preferably within a period of three months from the date of receipt of this order. No costs.

G.ROHINI, J

Dated:22-08-2006
KLP

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[1] 2004(2) ALD 451 (LB)